

**ASSEMBLY BILL**

**No. 1100**

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**Introduced by Assembly Member Roger Hernández**

February 18, 2011

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An act relating to food facilities.

LEGISLATIVE COUNSEL’S DIGEST

AB 1100, as introduced, Roger Hernández. Retail food facilities: toys and incentives.

The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Public Health. Local health agencies are primarily responsible for enforcing this law.

This bill would declare the intent of the Legislature to enact legislation to improve the health of children in California by setting healthier standards for children’s meals that are accompanied by toys and other incentive items.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature hereby finds and declares all of
- 2     the following:
- 3     (a) Obesity is one of the leading causes of preventable death
- 4     and is associated with increased rates of chronic diseases, including
- 5     heart disease, diabetes, cancer and stroke.
- 6     (b) A 2010 study conducted by the federal Centers for Disease
- 7     Control and Prevention indicates that the total health burden of

1 obesity has surpassed the total health impact of tobacco use, which  
2 is the leading cause of preventable death.

3 (c) Roughly one in nine children, one in three teens, and three  
4 in five adults are overweight or obese in California.

5 (d) Children who are obese or overweight have an increased  
6 risk of being obese or overweight as adults. Seventy-five percent  
7 of children who are overweight are expected to be overweight as  
8 adults. Adult obesity rates have increased by nearly 10 percent  
9 and have more than doubled since 1990 in California.

10 (e) Obesity is especially prevalent among people with low  
11 incomes and communities of color with 30 percent of low-income  
12 children being overweight. Forty percent of the state's medically  
13 obese adult population is of Hispanic origin. The four largest  
14 groups at risk for childhood obesity, Pacific Islanders, Latinos,  
15 American Indians, and African Americans, are all minority  
16 communities.

17 (f) As a result of the obesity epidemic, we are seeing an alarming  
18 rise in chronic illnesses in children, with childhood chronic disease  
19 rates quadrupling over the past four decades. Additionally, obese  
20 children are more than twice as likely to have type-2 diabetes as  
21 children of normal weight.

22 (g) California's obesity epidemic poses not only a significant  
23 public health threat, but also an economic threat to the state.  
24 Obesity results in increased health care costs and decreased  
25 productivity in the workplace. By 2011, the California Center for  
26 Public Health Advocacy estimates that the annual economic costs  
27 associated with obesity, overweight, and physical inactivity in the  
28 state is projected to increase to \$53 billion.

29 (h) Studies estimate that by 2023, Californians will have more  
30 than four million avoidable chronic diseases that will cost nearly  
31 \$19 billion to treat and will result in nearly \$100 billion in lost  
32 productivity.

33 (i) Dining out is becoming increasingly more common. 133  
34 million Americans purchase food at restaurants every day. The  
35 food that children eat at restaurants has a direct impact on their  
36 risk of becoming overweight and other health risks. Unfortunately,  
37 the food and beverages offered at restaurants that typically service  
38 children often fail to meet accepted nutritional recommendations.

39 (j) The Federal Trade Commission reports that toy giveaways  
40 in restaurants are estimated to be the second highest child-directed

1 expenditure by the restaurant industry, next to television  
2 advertising. This expenditure amounted to at least \$360 million  
3 on toys in 2006.

4 (k) The Center for Science in the Public Interest studied  
5 children's meals at restaurants and found that 10 out of 12 of the  
6 highest calorie meals came with toys.

7 (l) It is the intent of the Legislature to enact legislation that  
8 would improve the health of children in California by setting  
9 healthier standards for children's meals that are accompanied by  
10 toys and other incentive items.

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